

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ARIEL MORALES BRACHO,

Plaintiff,

vs.

CLARK COUNTY COURT INTERPRETERS
SERVICES,

Defendant.

Case No. 2:20-cv-01340-APG-VCF

**REPORT AND RECOMMENDATION FOR
DISMISSAL**

On September 29, 2020, the Court granted plaintiff Ariel Morales Bracho's application to proceed in forma pauperis and dismissed his complaint without prejudice. (ECF No. 5). The Court liberally construed Bracho's complaint: Bracho brought a breach of contract claim against defendant Clark County Court Interpreters Services related to its translation services that he received during a Nevada Justice Court proceeding in 2018. (*Id.*) The Court found that this Court lacks jurisdiction over his claim and the Court dismissed his case with leave to amend. (*Id.*)

The Court gave plaintiff until October 28, 2020 to file an amended complaint and warned that "[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this Order may result in a recommendation for dismissal with prejudice." (*Id.*). Plaintiff has failed to file an amended

1 complaint or an objection to the Court's order. For the reasons discussed in the Court's September 29,
2 2020 Order (ECF No. 5), plaintiff's complaint should be dismissed with prejudice.

3 Accordingly, and for good cause shown,

4 IT IS RECOMMENDED that this action be DISMISSED WITH PREJUDICE and Judgment
5 entered, accordingly.

6 **NOTICE**

7 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
8 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
9 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
10 may determine that an appeal has been waived due to the failure to file objections within the specified
11 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
12 objections within the specified time and (2) failure to properly address and brief the objectionable issues
13 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
14 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
15 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
16 written notification with the court of any change of address. The notification must include proof of
17 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
18 counsel. Failure to comply with this rule may result in dismissal of the action.

19
20 IT IS SO RECOMMENDED.

21 DATED this 6th day of November 2020.

22
23 

24 CAM FERENBACH
25 UNITED STATES MAGISTRATE JUDGE